

JAN 22 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHRISTOPHER M. MACROGLOU

Serial No.: 09/190,788

Filed: November 12, 1998

Art Unit: 3711

Examiner: RAEANN GORDON

Atty Dock No.: 97-019 DIV

ALIGNMENT DEVICE AND METHOD
FOR ALIGNING

Pittsburgh, Pennsylvania 15219

January 22, 2007

Mail Stop Appeal Brief-Patents
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Alexandria, VA 22313-1450

Sir:

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Henry E. Bartony, Jr.
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January 22, 2007

Dated

**TRANSMITTAL OF REPLACEMENT SUMMARY CLAIMED
SUBJECT MATTER IN RESPONSE TO NOTIFICATION OF NON-
COMPLIANT APPEAL BRIEF PURSUANT TO 37 C.F.R. §41.37**

In response to the Notification of Noncompliant Appeal brief dated December 22, 2006 (a copy of which is attached), Appellant submits herewith a replacement summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v).

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V. SUMMARY OF CLAIMED SUBJECT MATTER

The independent claims appealed are claims 1, 15 and 29. In independent claims 1 and 15, the present invention set forth devices for assisting a person in achieving a desired or a proper alignment of a person's eyes when the person is in position to perform a task generally (claim 1) and when the person is in position to execute a golf stroke (claim 15). Independent claim 29 sets forth a method of determining alignment of a person's eyes when the person is in position to execute a golf stroke.

With respect to independent claims 1 and 15 (as well as independent claim 29), as illustrated in Figures 1 through 4C, device 10 includes a support member 20 (as, for example, described on page 6, lines 2 and 3 of the specification) and a mechanism including a light source attached to the support member (page 6, lines 17 and 18). The mechanism is adapted to project a generally linear extending projection of light on a surface so that the extending projection of light is visible to the person, in an orientation such that the light source generates a visible alignment line of light A on, for example, the ground in front of, for example, a golfer that is generally parallel to an alignment of the golfer's eyes when support member 20 is worn on or otherwise placed in operative connection with the golfer's head (for example, during putting). See, for example, page 6, lines 18 to 30 of the specification.

With respect to the limitations of dependent claim 2, the light source of the mechanism can include a laser 70 and a generally cylindrical lens 75 positioned transversely to the light beam emanating from laser 70. See, for example, page 6, lines 22 to 25 of the specification. As known in the optics arts, and as described on page 6, lines 25 to 29 of the specification, lens 75 creates a planar beam or fan of light which emanates perpendicular to the axial alignment of lens 75. This planar fan of light forms visible alignment line A on the ground parallel to the orientation of, for example, a golfer's eyes (that is, the projection of light is generally parallel to a line running transversely through the person's eyes).

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With respect to dependent claims 13 and 16, as, for example, illustrated in Figure 5 and described at page 10, lines 5 to 26 of the specification, alignment device 200 can include a support member including a band or belt member 220 upon which a light source is attached. As described above, a mechanism or light source generates a visible alignment line of light A on the ground in front of, for example, a golfer that is generally parallel to an alignment of that portion of the golfer's body upon which support member is worn (see dependent claims 14, 17 and 18).

With respect to claims 19 and 20, device 200 of Figure 5 can be worn on any portion of the user's body, including the user's torso (for example, on the chest or sternum region to study the alignment of the shoulders/chest and/or on the waist or hip region to study the alignment of the hips - and positions therebetween), to provide to the person an indication of the alignment of a line passing transversely through the portion of the person's body. See, for example, page 10, lines 6 through 14.

With respect independent claim 29 and dependent claims 30 and 31, the present invention provides a method of determining alignment of a portion of a person's torso when the person is in position to execute a golf stroke. The method comprises the steps of placing a mechanism (200) in operative connection in the vicinity of the portion of the person's torso (for example, on the chest or sternum region to study the alignment of the shoulders/chest and/or on the waist or hip region to study the alignment of the hips - and positions therebetween). The mechanism is adapted to project a generally linearly extending projection of light onto a surface as described, for example, on lines 5 to 25 of page 10 of the specification and as illustrated in Figure 5 of the specification. The projection of light is visible to the person to provide to the person an indication of the alignment of a line passing transversely through the portion of the person's torso.

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In view of the foregoing, the Appellant respectfully requests that the Board of Appeals and Interferences reverse the Examiner's rejection of the claims, and that the Examiner indicate the allowability of Claims 1, 2, 13-24 and 29-31 and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

CHRISTOPHER M. MACROGLOU

Date: January 22, 2007

By Henry E. Bartony, Jr., Reg. No. 34,772/

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Please find below and/or attached an Office communication concerning this application or proceeding

JAN 22 2007

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/190,788

Applicant(s)

MACROGLOU, CHRISTOPHER N.

Examiner

TRIMIEW, RAEANN

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 17 November 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

Item 4. The appeal brief fails to identify the independent claims.


LORENDA HOOD
PATENT APPEAL CENTER SPECIALIST